

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION

RECEIVED

2006 APR -6 A 9:40

CLERK OF DISTRICT COURT
U.S. DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION

C. W. JACKSON, #158384

Plaintiff

v.

1:06-CV-174-WKW

ZACK E. is the Jail Administrator at
the Coffee County Jail, he is being sued
in his individual and official capacity

Henry S. Cockran MD is the Doctor at the
Coffee County Jail, he is being sued in his
individual and official capacity.

Defendants, et. al.

MOTION FOR LEAVE TO AMEND

Comes Now, Plaintiff, C. W. Jackson, pro-se, and moves this
Honorable Court to entertain and grant above style action, Plaintiff
supports said motion as follows:

FACTS IN SUPPORT

- 1). On February 24, 2006, plaintiff filed his complaint pursuant to 42 U.S.C. § 1983 alleging Constitutional and Civil right violations.
- 2). Magistrate Judge Vanzetta Penn Mapherson reviewed plaintiff's Complaint, and issued an order on March 7, 2006, recommending plaintiff's Complaint be dismissed because plaintiff names the Coffee County Jail as a defendant in this Cause of action. A county jail is not a legal entity subject to suit or liability under section 1983. *C.F. Dean v. Barber*, 951 F.2d 1210, 1214 (11th Cir. 1992).
- 3). Plaintiff avers the Magistrate Judge not only requested his Complaint to be dismissed, but dismissed with prejudice prior to service of process pursuant to the provisions of 28 U.S.C. § 1915 (e)(1)(2)(B)(i).
- 4). Plaintiff avers he is acting pro-se, plaintiff further, avers that he had no access to the Law Library while incarcerated at the Coffee County Jail. prior to filing his said Complaint thus, he was not familiar with the requirement of stating defendants in a civil action therefore, he respectfully, ask, this Honorable Court for leniency to "amend his Complaint" to correctly state the defendants in this present cause of action in order to correct said deficiency in the interest of judicial comity.

Plaintiff asserts in the future he will exercise caution to follow the Federal Rules of Civil Procedure closely. Done this 2 day of April, of 2006.

Respectfully Submitted,
CW. JACKSON

CERTIFICATE OF SERVICE

I Hereby Certify, that I have served this cause of action upon the United States District Court for the Middle District of Alabama Senior Judge Mark E. Fulleg and Magistrate Judge McPherson by placing a copy of the foregoing in the United States Mail, properly addressed, with proper prepaid postage on this 2 day of April, of 2006.

CW. JACKSON